

The earliest possible date of Bottan, et al. as a reference is October 5, 2000, which is the filing date of a provisional application the benefit of which is claimed by Bottan, et al. The Declaration submitted herewith shows, first, that the present invention was conceived prior to October 5, 2000, and second, that work was diligently done, from prior to October 5, 2000 to the filing date of the present application, November 6, 2000, to prepare, complete and file the patent application, which is a constructive reduction to the practice of the invention claimed herein.

It may be noted that the application was sent to the inventors to sign on October 4, 2000. The application was signed and then filed with the Patent Office. As a result, the application document itself shows that the entire subject matter of the application, including all of the original claims verbatim, was conceived prior to October 5, 2000.

The Declaration of Drs. Kanevsky and Zlatsin thus shows that the present invention was reduced to practice, in this country, before the earliest possible date of Bottan, et al. as a prior art reference. Thus, Bottan, et al. is not a prior art reference as to the present application.

The present Declaration is being submitted at this time in order to expedite the prosecution of this case without the need for an appeal. Moreover, this Declaration clearly overcomes the present rejection of the claims without the need for further argument. Accordingly, it is believed that entry of this Declaration is appropriate, and such entry is respectfully requested.

For the reasons advanced above, the Examiner is requested to enter the accompanying Declaration, to reconsider and to withdraw the rejection of, and to allow, Claims 1-18. If the

Examiner believes that a telephone conference with Applicants Attorneys would be advantageous to the disposition of this case, the Examiner is asked to telephone the undersigned.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read "Steven Fischman", with a long horizontal flourish extending to the right.

Steven Fischman
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